



[www.jjustice.org](http://www.jjustice.org)

@JJInitiative

*“The Juvenile Justice Initiative of Illinois works to achieve humane, equitable and sustainable reforms for children and young adults in the justice system.”*

## Testimony - Hearing on JISC Audit

June 23, 2020

TO: Members of the Committee on Ethics and Government Oversight, Committee on Public Safety and the Committee on Budget and Government Operations

RE: Subject Matter Hearing regarding the Inspector General’s 2020 Audit on the Juvenile Intervention Support Center.

The Juvenile Justice Initiative is a statewide privately funded nonprofit advocacy organization with a mission to educate and advocate for best practices and the highest standards of human rights for children and young adults in conflict with the law. The Juvenile Justice Initiative welcomes this opportunity to submit written comments on the findings of the Inspector General’s audit of the Juvenile Intervention Support Center (JISC). The audit made numerous findings of shockingly egregious flaws in the program and operations of the JISC, ranging from poor record keeping to the fact that the JISC has operated for nearly 14 years “without demonstrating evidence of its effectiveness”. Based on the audit’s findings of multiple serious delinquencies and deficiencies in the design and operation of the JISC, we strongly urge the program be closed.

Over 120 years ago, reformers in Chicago reimagined justice for children by creating the world’s first court for children – removing children from adult criminal courts and prisons and giving children a second chance. The resolution for this hearing recognizes the critical importance of giving children a second chance by sparing them from arrest records that can impact their future by making it difficult to secure employment and pursue education. ***The most fundamental – and fatal – flaw in the JISC is that it begins with an arrest, rather than diverting from arrest, and thus builds arrest records on children.*** The fact that the JISC applies to low level offenses and operates solely in low income zip codes comprised of children of color exacerbate the profound racial disparities in our juvenile justice system.

### ***National best practice model diverts without an arrest.***

The model for the JISC – the Juvenile Assessment Center in Miami-Dade County – served as a national demonstration project funded by the U.S. Justice Department’s OJJDP. The project was designed to be a model for intake, assessment, screening and diversion of juveniles who were taken into custody by police. But the Miami model differed dramatically from the Chicago JISC in that the children who were processed in the Miami center were DIVERTED without being placed UNDER ARREST. By contrast, the Chicago JISC operation **begins by arresting and booking the minors** brought to the center, then considers “diversion” from court. The problem is that diversion AFTER an arrest fails to undo the substantial harm, costs and collateral consequences from the existence of an arrest.

Juvenile cases are widely considered fully confidential by the public, but in Illinois juvenile arrest records are required to be sent to the state police for inclusion in the state criminal records database. This includes low level offense and even juvenile class A misdemeanor arrests. While Illinois now has some requirements for automatic expungement, the law is not extensive and so young people who face a

background check for employment are often hampered by their prior arrest record whether the case ever went to court or not. A police booking center such as the JISC that focuses on booking arrests of juveniles for low level offenses builds a criminal arrest record that constitutes an insurmountable barrier to education and employment.

Earlier this year, Chicago adopted a resolution (2019-688) calling for the city to review policies and practices to ensure they comply with international standards for human rights for children in conflict with the law. The fact that juvenile arrest records show up on criminal background checks violates international standards in the Beijing Rules that call for juvenile arrest and court records to be fully confidential. In addition, the JISC violates international standards by arresting children as young as ten years old. International standards in the Convention on the Rights of the Child recommend a minimum age of criminal responsibility no lower than 14.

Building arrest records on elementary school age children accused of low-level conflict is deeply troubling. The JISC does not have adequate records to identify the scope of the harm, but as the report notes these are primarily children of color from low income communities. We can do better. Referrals to community services and centers, rather than arrests, would have far better results.

There are numerous other serious flaws in the design and operation of the JISC. The lack of vision, the lack of community input and ownership, and the complete lack of public transparency and independent oversight are deeply troubling. Prominent also among the deficiencies is the fact that the JISC is physically located in a building that was the site of a police torture unit under Commander John Burge. One can only imagine the terror and trauma to a young child being arrested in a site with such a terrible history – and the fact that the site is far removed from the homes of many of the children makes it even more terrifying. But the fundamental and irreversible flaw is the fact that no amount of “diversion” can undo the harm of an arrest. The nationally acclaimed best practice model is diversion without an arrest – the JISC turned the model on its head by arresting for low level offenses and then purporting to connect with “diversion”. The JISC is fatally flawed.

Therefore, we urge this Committee to recommend that the JISC be defunded and closed. If a new juvenile center is created, it is critical to ensure:

- that it fully diverts youth from arrests, as well as from court,
- that it utilizes restorative justice policies and practices,
- that it is community based, with community responsibility for the data and operations,
- that its operations are transparent and public with full accountability through independent oversight.

Respectfully submitted

Elizabeth Clarke  
President  
Juvenile Justice Initiative  
518 Davis, Suite 211, Evanston, IL 60201  
bc@jjjustice.org  
847/894-4206